

Remarks

Applicants have reviewed this Application in light of the Office Action mailed January 20, 2006. Claims 1-23 are pending. Claims 4 and 19 have been amended to clarify, more particularly point out, and more distinctly claim inventive concepts previously present in these claims. Claims 24-26 have been added. Applicants respectfully request reconsideration and favorable action in this case.

Section 102 Rejections

The Examiner rejects Claims 1, 4-9, 13-16, and 19-23 under 35 U.S.C. § 102(a) as being anticipated by *Firm Offers Free Tool to Fight "Love You" Virus* by Ken Fermoyale ("*Fermoyale*"). Applicants respectfully traverse these rejections for the reasons discussed below.

Claim 4

Claim 4 is allowable at least because *Fermoyale* fails to disclose, teach, or suggest preparing language description data, "wherein the language description data correspond to language definition rules and check rules" and "wherein the language definition rules include descriptions of constructs of the target script language and relationships between the constructs" as recited in amended Claim 4.

Fermoyale discloses an e-mail content filtering program that scans incoming messages for specific words. In the Final Office Action mailed May 13, 2005 ("Final Office Action") the Examiner asserts "[t]he language description data are the keywords which are monitored by the detection data of the MailMarshal program." (Final Office Action, page 7.) However, this proposed interpretation of *Fermoyale* does not apply to amended Claim 4, because this definition of the language description data squarely conflicts with the definition in amended Claim 4. Accordingly, *Fermoyale* fails to disclose, teach, or suggest preparing language description data, "wherein the language description data correspond to language definition rules and check rules" and "wherein the language definition rules include descriptions of constructs of the target script language and relationships between the constructs" as recited in amended Claim 4.

For at least these reasons, Applicants respectfully contend that Claim 4 is allowable, as are all claims depending therefrom. Claim 19 is allowable for analogous reasons, as are all claims depending therefrom. Reconsideration and favorable action are requested.

Claim 1

Claim 1 is allowable at least because *Fermoyle* fails to disclose, teach, or suggest “preparing language description data corresponding to at least one script language” and “preparing detection data for viral code corresponding to the script language virus” as recited in Claim 1. The Office Action alleges that paragraph 8 of *Fermoyle* discloses these limitations. But this is incorrect. The following is the entirety of paragraph 8 of *Fermoyle*:

With its ability to scan incoming messages, MailMarshal denies or quarantines messages based on a variety of criteria. It can control the movement of commercially sensitive data and proprietary information, give legal liability protection, block junk mail and eliminate inappropriate use,” a company spokesperson reports By monitoring and controlling key words (lexical scanning), users or system administrators can effectively remove the threat of malicious viruses, including the current “I Love You”.

In the Final Office Action mailed May 13, 2005 (“Final Office Action”) the Examiner asserts that “[t]he language description data are the keywords which are monitored by the detection data of the MailMarshal program.” (Final Office Action, page 7.) Applicants respectfully disagree with the contention that keywords to be monitored by a computer program are language description data. Even if this were true, the Final Office Action does not specifically indicate which portion of *Fermoyle* allegedly discloses the limitation “preparing detection data for viral code corresponding to the script language virus,” as required by Claim 1. Applicants respectfully contend that *Fermoyle* does not disclose, teach or suggest this limitation.

Again, the portion of *Fermoyle* that is reproduced above generally discloses a simple, keyword-based scanner which is not in as complete detail as contained in the claim.¹ *Fermoyle* involves scanning text for keywords, without first preparing “language description data corresponding to at least one script language” and “detection data corresponding to the script language virus” as recited in Claim 1.

¹ “The identical invention must be shown in as complete detail as is contained in the ... claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989) (Emphasis added).

Further, whether or not lexical scanning in *Fermoyle* could be properly considered lexically analyzing a data stream, as suggested in the Final Office Action, *Fermoyle* would still fail to disclose, teach, or suggest the lexical scanning of a data stream using the language description data and the detection data to detect the viral code, as recited in Claim 1. As highlighted above, *Fermoyle* lacks sufficient detail to determine how the keyword scan is being conducted.

For at least these reasons, Claim 1 is allowable, as are all claims depending therefrom. Claims 13-16 are allowable for analogous reasons, as are all claims depending therefrom. Reconsideration and favorable action are requested.

Section 103 Rejections

The Examiner rejects Claims 2-3 and 17-18 under 35 U.S.C. § 103(a) as being unpatentable over *Fermoyle* in view of Session 19: Intro to Compiler Design: BNF, Recursion and Finite Automata, Fall 1999, Computer Science Courses CS373 ("*Session*").

Claims 2-3 each depend from Claim 1, and Claims 17-18 each depend from Claim 16. For the reasons discussed above with regard to each of their base claims, Applicants respectfully contend that the references relied upon by the Office Action fail to disclose, teach or suggest each of the limitations of Claims 2-3 and 17-18.

New Claims

New Claim 24 is directed to a method that includes receiving a data stream and lexically analyzing the data stream to identify at least one software operation associated with the data stream. The software operation is compared with a repository of virus detection data. *Fermoyle* does not disclose, teach or suggest each of these limitations.

Fermoyle discloses an e-mail content filtering program that scans incoming messages for specific words. *Fermoyle* does not disclose, teach or suggest the identification of at least one software operation associated with the data stream, as required by new Claim 24. Keywords are not software operations. Moreover, there is no suggestion that *Fermoyle* has the ability to identify a software operation associated with the data stream. None of the references relied upon by prior office actions in rejecting the claims of the present application disclose, teach or suggest these limitations. For at least these reasons, Applicants respectfully contend that Claim 24 is patentably distinguishable from the references of record.

Claims 25 and 26 each depend from Claim 24, and incorporate all limitations thereof. For at least these reasons, Applicants respectfully contend that Claims 25 and 26 are patentably distinguishable from the references of record in this application.

Conclusion

For at least the foregoing reasons, Applicants respectfully request allowance of all pending claims.

If a telephone conference would advance prosecution of this Application, the Examiner may contact Luke K. Pedersen, Attorney for Applicants, at 214.953.6655.

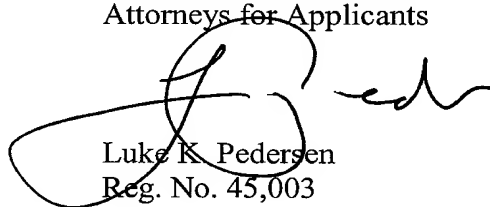
Applicants hereby take an Extension of Time for responding to the Examiner's Office Action dated January 20, 2006 for one (1) month and have attached a separate Notification of Extension of Time Under 37 C.F.R. § 1.136 authorizing the Commission to charge the amount of \$120.00 to Deposit Account 02-0384 of BAKER BOTTS L.L.P

Applicants acknowledge additional filing fees due in the amount of \$350.00 and have attached a separate Transmittal calculating such fees and authorizing the Commissioner to charge the amount of \$350.00 to Deposit Account 02-0384 of BAKER BOTTS L.L.P

Although Applicants believe no additional fees are currently due, should there be a fee discrepancy, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

Respectfully submitted,

BAKER BOTTS L.L.P.
Attorneys for Applicants



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Date: _____

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